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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/519,847	03/06/2000	Pierre Ripoché	Q58134	8169

7590 07/02/2002

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EXAMINER

HOFFMANN, JOHN M

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 07/02/2002

20

Please find below and/or attached an Office communication concerning this application or proceeding.

Ased

Office Action Summary	Application No.	Applicant(s)	
	09/519,847	RIPOCHE ET AL.	
	Examiner	Art Unit	
	John Hoffmann	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6-18-02 has been entered.

Election/Restrictions

Claim 4 remains withdrawn from consideration as being drawn to a non-elected specie.

Claim Rejections - 35 USC § 103

Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujikkura JP 4-160028 in view of Le Sergent 5194714 and optionally in view of Yokota 4846867 and Fleming 4872895.

Fujikura discloses the invention, except for the plasma torches. Le Sergent discloses at col. 1, lines 15-38 that hydroxyl ions cause absorption and that plasma torches can be operated so that these problematic ions are not introduced. Yokota and Fleming are cited as showing that it is known that conventional flames will introduce

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hydroxyl ions (due to the hydrogen and oxygen combining in the flame) (see col. 5, lines 12-15 and col 1, lines 62-63 of Yokota and Fleming, respectively).

It would have been obvious to use plasma torches in the Fujikura method so as to provide a heating source that does not introduce any detrimental hydroxyl ions into the glass. It is noted that Applicant essentially admitted at the paragraph spanning pages 3-4 of the specification that plasma burners are known substitutes for other burners.

As to the soot being silica, it would have been obvious to use silica soot, since it is the cheapest known base material for soot-deposited preforms for optical fibers (alternatively because some soot is needed and LeSergent discloses that such is known.

Fujikura's 9 is the heating means, and 17 is the injecting means. As to the "heating area" and "vicinity", one can arbitrarily designate any areas to be the area and the vicinity. It is noted that the heating area is not defined in a way that it precludes unheated sections, nor is "vicinity" defined in a way that precludes heated portions. For example, the heated area can be a split (length-wise) half of the preform, and the vicinity can be the other half.

Fujikura states that "bases 7 and 15 are successively and alternately reciprocated." Therefore, their relative positions are changed (i.e. adjusted). If their relative positions were not, changed, they would have to reciprocated at exactly the same times.

As to claim 3, see figure 2 of Fujikura.

All of the rest of the limitations of claims 1-3 are clearly met.

As to claim 5: it is noted that there is no definition as to "heating area". Looking at Applicant's invention as well as the prior art, it is readily apparent, that there is no boundary for the area which is heated. A flame heats by radiation, convection and conduction. Any section of the preform is going to be heated from any of the torches. During the process, the entire substrate will be heated by each of the heaters. So one can consider the entire substrate to be the "heating area". Alternatively, one can arbitrarily designate all places within one meter of the apparatus to be a "heating area" because heating is occurring within the area.

Response to Arguments

Applicant's arguments filed 7 May 2002 have been fully considered but they are not persuasive.

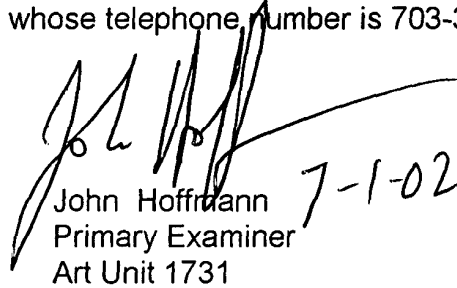
It is argued that the Fujikawa heating and injecting means remain stationary with respect to each other. And that the heating and injecting means (that don't remain stationary with respect to each other) are not associated with each other. Examiner can find no basis for agreeing that all of the features are not associated with each other. Since all of the structure is part of the Fujikawa apparatus, all of the features are associated with all of the other features.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Hoffmann whose telephone number is 703-308-0469. The examiner can normally be reached on Monday through Friday, 7:00- 3:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stan Silverman can be reached on 703-308-3837. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7115 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.


John Hoffmann
Primary Examiner
Art Unit 1731
7-1-02

July 1, 2002